

REMARKS

In the Office Action, the Examiner rejected the pending claims under 35 USC §103. MPEP section 706.02(l) sets forth the conditions for patentability and non-obvious subject matter for rejections under 35 USC 103(a) using prior art under 35 U.S.C. 102(e). This section states that “[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.” The reference, Draper, was owned by the same entity as the subject application at the time the claimed invention was made. As requested by the Examiner, a copy of the pertinent merger agreement is submitted herewith. As such, Applicant respectfully submits that the cited reference Draper shall not preclude patentability of the pending claims under 35 USC 103(a). Accordingly, Applicant respectfully submits that claims 9-32, 36, 38, 40, and 42-56 are allowable.

The specification has been amended in response to the Examiner’s objection to the specification.


In addition, the Examiner has objected to claims 9 and 15 under 35 USC 101. in response to the Examiner’s objection under 35 USC 101, claim 9 has been amended to clarify that the computer-readable medium stores computer-readable instructions, and therefore excludes waves or energy forms (which are not computer-readable instructions). With respect to claim 15, the Examiner has indicated that the specification does not disclose a computer system. Applicant has therefore removed this limitation from claim 15. Applicant

respectfully asserts that claim 15 is directed to statutory subject matter, since it causes the storing of data in a data structure. More particularly, the claimed invention enables data retrieved from multiple data stores storing data in different formats to be stored in a single data structure. As a result, a query directed to multiple data stores storing data in different formats may be processed. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of the claims under 35 USC 101.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. ACTUP006).

Respectfully submitted,
BEYER WEAVER LLP



Elise R. Heilbrunn
Reg. No. 42,649

BEYER, WEAVER & THOMAS, LLP
P.O. Box 70250
Oakland, California 94612-0250
Tel. (510) 663-1100